

REMARKS

Applicants wish to thank the Examiner for the comments in the final Office action.

Applicants have carefully considered the remarks in the Office action and have amended claim 1 accordingly as will be described below in more detail.

The Section 112 Rejection

Claim 1 was rejected pursuant to section 112. Applicants have amended claim 1 to cure the rejection.

The Section 103 Rejections

Claims 1-8 were rejected based upon the combination of US Patent Application Publication Number 20020087128 to Paques et al (Paques) and. US Patent No. 6,544,230 to Flaherty et al (Flaherty).

Paques discloses apparatus designed to deliver therapy to a patient's retina by entering the eye through the front thereof. See Figure 4.

In contrast and as shown in Figure 6 of Applicants application and as recited at paragraph [0061] thereof, the applicants' probe is configured for operational insertion between the eye socket and the sclera of the eye. Applicants probe is not configured to pierce to a depth sufficient to penetrate the sclera first and then the retina because of the toxic effects of the therapeutic agent as noted at paragraph [0060].

Thus, Applicants have amended to claim 1 to recite that the probe is configured for insertion between the eye socket and the sclera and for the needle tip to not pierce the retina.

Applicants submit that the amendments to the claims places claims 1-8 in proper form for allowance in view of the Examiner's comments.

TIMELINESS OF THIS AMENDMENT

The mailing date of the final Office action was January 1, 2008. As this after-final amendment is being submitted within two months of that mailing date, Applicants believe that no time extension is necessary.

CONCLUSION

Applicant respectfully requests that this Amendment be entered and that pending claims 1-8 be allowed.

Respectfully Submitted,

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